

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

JANICE CLAUDEN,  
Mother for A. E. S.

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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Case No. 4:10CV00034

**ORDER**

By: Jackson L. Kiser  
Senior United States District Judge

Before me are Plaintiff's and Defendant's cross Motions for Summary Judgment and briefs in support (ECF Nos. 14, 15, 20, 21) as well as the Magistrate Judge's Report and Recommendation ("R&R"). Magistrate Judge Crigler advised that I dismiss this case for want of subject matter jurisdiction. R&R 2. Plaintiff timely objected (ECF No. 23) to the R&R; Defendant then responded (ECF No. 24) to Plaintiff's objection. This matter is now ripe for review. For the reasons stated in the accompanying Memorandum Opinion, I hereby **ADOPT** the R&R in its entirety, construe Defendant's Motion for Summary Judgment as a Motion to Dismiss, **GRANT** Defendant's Motion to Dismiss and direct the clerk to **DISMISS** this action from the docket of the court.

The Clerk is directed to send a copy of this Order and accompanying Memorandum Opinion to counsel, Plaintiff and Magistrate Judge Crigler.

Entered this 24<sup>th</sup> day of May, 2011.

s/Jackson L. Kiser  
Senior United States District Judge